

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Goerlitzer, et al.

Examiner: **Saeed, Kamala**

Art Unit: **1626**

Application No.: **10/789,281**

Filed: **February 27, 2004**

**Title: 1,3-SUBSTITUTED CYCLOALKYL
DERIVATIVES HAVING ACIDIC, MOSTLY
HETEROCYCLIC GROUPS, PROCESSES FOR
THEIR PREPARATION AND THEIR USE AS
PHARMACEUTICALS**

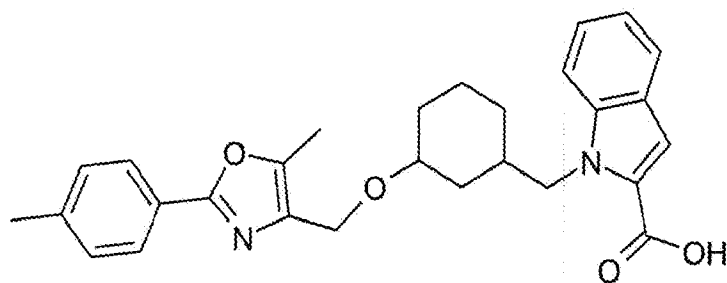
RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

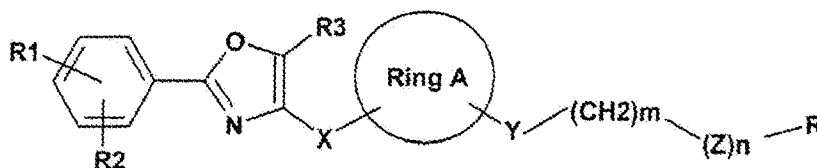
Sir:

This paper is responsive to the Restriction Requirement mailed on 08/30/06.

Per Examiner's request, Applicant herein elects to prosecute the claims of Group I (Claims 1-23 directed to products of formula I). The Examiner requested that Applicant identify a species that is consonant with the election. Applicant elects the compound of Example XXVI (see page 77) as the single species. Example XXVI has the following structure:



Example XXVI is a compound of the formula I



wherein

ring A is (C₃-C₈)-cycloalkanediyl;

R1, R2 are each independently H or (C₁-C₆)-alkyl;

R3 is (C₁-C₆)-alkyl;

X is (C₁-C₆)-alkanediyl, wherein one or more carbon atoms therein are optionally replaced by oxygen atoms;

Y is a bond;

m is 1;

n is 0;

R is NR₄R₅;

wherein R₄ and R₅, taken together with the nitrogen atom to which they are attached, form a 5-membered aromatic heterocycle which is optionally fused to an aromatic 6-membered ring, said aromatic 6-membered ring optionally substituted by COOH.

Applicants submit that once the compounds of the present invention are found to be novel, then the other Groups defined by the Examiner that contain any compositions of matter containing those compounds should also be found to be novel and rejoined. Likewise, pursuant to linking claim practice, at least one of the method claims should be rejoined.

Furthermore, Applicants affirm their right to file one or more divisional applications with respect to any of the non-elected subject matter.

Respectfully submitted,



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Docket No. DEAV2003/0015USNP